

AMENDMENTS TO THE DRAWINGS:

The attached amended Figure 4 (Replacement Sheet) includes changes to Figure 4 and replaces original Figures 4.

Attachments: Replacement Sheet

REMARKS

Claims 1-13 and 15 are currently pending, with claims 1 and 15 being independent. Claims 1, 6, and 15 have been amended. Support for the amendments to claims 1 and 15 can be found throughout the specification as originally filed, for example, in paragraph [0036] on page 16. No new matter has been added.

Drawings

The Examiner has objected to the figures.

Figure 4 has been amended. Applicant respectfully submits that amended Figure 4 and amended Figures 1 and 2 submitted on December 21, 2006, in conjunction with the current amendments to claims 1, 6, and 15, render the objections to the figures moot.

Accordingly, the objection to the figures should be withdrawn.

Description

Paragraphs [0010], [0011], [0012], [0025], [0032], [0036], [0037], and [0038] have been amended to clarify that each side barrier and the top sheet define a folded structure of substantially Z-shaped cross section with a fold directed towards the inside of said article. Previously amended paragraph [0031] further explains the actual material of each side barrier is folded like a V at the attachment to the front portion of the diaper.

Regarding claims 6 and 15, Applicant respectfully submits that the deletion from claims 6 and 15 of the phrase "and overlaps" renders this objection moot.

Claim 14 has been canceled.

§ 112 Rejection

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the deletion from claim 1 of the limitation that each side barrier is a separate component from the upper and lower cover sheets renders this rejection moot.

Accordingly, the rejection of claims 1-13 and 15 as allegedly indefinite is respectfully requested to be withdrawn.

§ 102 Rejection

Claim 1-3, 11-12, and 14 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by JP 01077607 ("Suzuki"). Applicant respectfully traverses this rejection.

Suzuki discloses that an absorber 3 is placed between a water-permeable top sheet 1 and a water-impermeable back sheet 2 and a side flap 4 is formed with both of the sheets 1, 2 extending outward from both side edges of the absorber 3. When an elastomer part 5 is adhered to this side flap 4, a second part 4b having the elastomer part 5 is placed on a first part 4a of the side flap 4 and they are jointed so that the joint inner edge 9 may form a sealing line extending in the longitudinal direction of the side flap 4. Finally, the front end of unsealed part 4b' in the longitudinal direction inside the seal line of the second part 4b is laid inside, while the rear end is laid outside and they are jointed to the front side and the rear side areas of an article to be put on, respectively. (Abstract).

Amended claim 1 now recites that the absorbent article comprises, *inter alia*, first and second side barriers: (1) each arranged such that, when it is secured in contact with said front portion, each side barrier and the upper cover sheet define a folded structure of substantially Z-shaped cross section with a fold directed towards the inside of said article; and (2) the at least one longitudinal elastic element of each side barrier is positioned at or near the fold directed towards the inside of the article.

Applicant respectfully submits that Suzuki does not teach or suggest a combination having, at least, first and second side barriers each comprising at least one elastic element ***positioned at or near the fold directed towards the inside of said article***.

Accordingly, the rejection of claims 1-3 and 11-12 as allegedly anticipated by Suzuki is respectfully requested to be withdrawn.

§ 103 Rejections

Claims 4-7, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Suzuki in view of Robertson U.S. Patent Nos. 5,026,364 ("Robertson") and 5,746,732 ("Olsson"). Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Suzuki in view of U.S. Patent No. 5,496,428 ("Sageser"). Applicant respectfully traverses these rejections.

The Examiner relies on Robertson and Olsson to allegedly teach a rear barrier. Further, the Examiner relies on Robertson and Olsson to allegedly teach a rear barrier that has a further elastic element which, when viewed from above, extends outside and overlaps rear attachment points of the elastic elements in the side barriers, wherein said further elastic element comprises attachment points which, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers. The Examiner relies on Sageser to allegedly teach spacing of the side barriers.

As noted above, Applicant respectfully submits that Suzuki does not teach or suggest a combination having, at least, first and second side barriers each comprising at least one elastic element ***positioned at or near the fold directed towards the inside of said article***. None of Robertson, Olsson, or Sageser remedy this deficiency.

Accordingly, the rejection of claims 4-7, 13, and 15 as allegedly unpatentable over Suzuki in view of Robertson and Olsson and the rejection of claims 8-10 as allegedly unpatentable over Suzuki in view of Sageser is respectfully requested to be withdrawn.

Conclusion

Favorable examination and further action in the form of a Notice of Allowance is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 19, 2008

By:

T.D. Boone

Travis D. Boone

Registration No. 52,635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620